



Practitioner's Docket No. U 014996-9

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_

Title of invention

**OR**

In re application of: Ehud **COHEN**, et al.

Serial No.: 10/761,005

Group No.:

Filed: January 20, 2004

Examiner:

For: **LOW POWER CONSUMPTION IMPLANTABLE PRESSURE SENSOR**

**Commissioner for Patents**

**P. O. Box 1450**

**Alexandria, VA 22313-1450**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))**

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

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Date: February 12, 2004

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CLIFFORD J. MASS

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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. 1.98(b):

- (1) *Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.*
- (2) *Each U.S. patent application published listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.*
- (3) *Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.*
- (4) *Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.*
- (5) *Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.*

**WARNING:** *No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).*

**NOTE:** *The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).*

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

**NOTE:** *"No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."*

**NOTE:** *"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** *"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Ehud COHEN, et al.

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Attorney Docket No.: U 014996-9

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Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

We draw the attention of the Examiner to the references listed on the attached Form PTO-1449. Copies of the references are not required, because they were already filed in a

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

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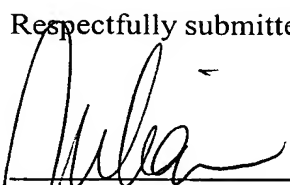
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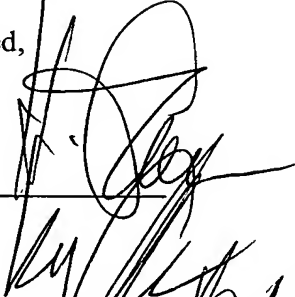

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

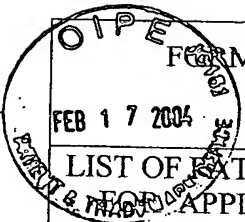
February 12, 2004

U.S. application from which an earlier filing date is claimed in this application.

Respectfully submitted,

  
\_\_\_\_\_  
Julian H. Cohen  
Ladas & Parry  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023  
Reg. No.: 20,302 (212) 708-1887

 FORM PTO-1449 LIST OF PATENTS AND PUBLICATIONS APPLICANTS' INFORMATION STATEMENT	ATTY DOCKET NO.	SERIAL NUMBER
	U 014996-9	10/761,005
	APPLICANT Ehud COHEN, et al.	EXAMINER
	FILING DATE January 20, 2004	GROUP ART UNIT

## U.S. PATENT DOCUMENTS


Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	6,248,083	Jun. 2001	Smith, et al.	600	585	
	AB	5,969,591	Oct. 1999	Fung	338	42	
	AC	5,566,680	Oct. 1996	Urion, et al.	128	778	
	AD	5,522,266	Jun. 1996	Nicholson, et al.	73	708	
	AE	5,184,619	Feb. 1993	Austin	128	639	
	AF	4,873,986	Oct. 1989	Wallace	128	670	
	AG	4,825,876	May 1989	Beard	128	675	
	AH	4,407,296	Oct. 1983	Anderson	128	675	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AI						
	AJ						
	AK						

## OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

	AL	
	AM	
EXAMINER:		DATE CONSIDERED:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

 FORM TO-1449 LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	ATTY DOCKET NO. U 014996-9	SERIAL NUMBER 10/761,005
	APPLICANT Ehud COHEN, et al.	EXAMINER
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## U.S. PATENT DOCUMENTS

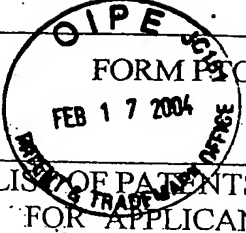
Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	4,846,191	Jul. 1989	Brockway, et al.	128	748	
	AB	4,023,562	May 1977	Hyncecek, et al.	128	2 R	
	AC	4,432,372	Feb. 1984	Monroe	128	675	
	AD	6,221,024	Apr. 2001	Miesel	600	486	
	AE	5,564,434	Oct. 1996	Halperin, et al.	128	748	
	AF	5,330,505	Jul. 1994	Cohen	607	6	
	AG	6,238,423	May 2001	Bardy	607	40	
	AH	6,240,316	May 2001	Richmond, et al.	607	42	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AI						
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## U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	3,983,881	Oct. 1976	Wickham	128	421	
	AB	4,492,233	Jan. 1985	Petrofsky, et al.	128	421	
	AC	4,881,526	Nov. 1989	Johnson, et al.	128	24.5	
	AD	4,165,750	Aug. 1979	Aleev, et al.	128	422	
	AE	5,452,719	Sept. 1995	Eisman, et al.	128	640	
	AF	5,423,329	Jun. 1995	Ergas	128	733	
	AG	5,291,902	Mar. 1994	Carman	607	138	
	AH	5,285,781	Feb. 1994	Brodard	607	59	
	AI	4,688,575	Aug. 1987	DuVall	128	522	
	AJ	4,515,167	May 1985	Hochman	128	736	

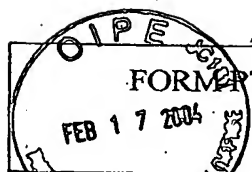
## FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AK	WO 00/19939	Apr. 2000	PCT			Yes

## OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

	AL	Fall, et al., "Electrical Stimulation in Interstitial Cystitis", Journal of Urology, 123(2), pp. 192-195, February 1980.
	AM	Zermann, et al., "Sacral Nerve Stimulation for Pain Relief in Interstitial Cystitis", Urol. Int., 65(2), pp. 120-121, 2000.
EXAMINER:		DATE CONSIDERED:
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 FORM PTO-1449 DEPT. OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	ATTY DOCKET NO. U 014996-9	SERIAL NUMBER 10/761,005
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## U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	4,542,753	Sep. 1985	Brenman, et al.	128	788	
	AB	3,926,178	Dec. 1975	Feldzamen	128	2 S	
	AC	4,568,339	Feb. 1986	Steer	604	329	
	AD	4,457,299	Jul. 1984	Cornwell	128	1 R	
	AE	4,290,420	Sep. 1981	Manetta	128	1 R	
	AF	4,177,819	Dec. 1979	Kofsky, et al.	128	422	
	AG	4,157,087	Jun. 1979	Miller, et al.	128	741	
	AH	3,870,051	Mar. 1975	Brindley	128	422	
	AI	4,139,006	Feb. 1979	Corey	128	127	
	AJ	4,136,684	Jan. 1979	Scattergood, et al.	128	2.1M	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANSLATION
	AK	WO 00/19940	Apr. 2000	PCT			Yes

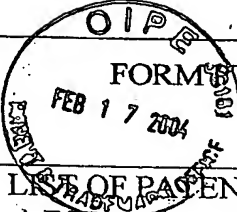
## OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

	AL	Chai, et al., "Percutaneous Sacral Third Nerve Root Neurostimulation Improves Symptoms and Normalizes Urinary HB-EGF Levels and Antiproliferative Activity in Patients with Interstitial Cystitis", <i>Urology</i> , 55(5), pp. 643-646, May 2000.
	AM	P.D. O'Donnell ed., <i>Urinary Incontinence</i> , Chap. 26, 1997, Mosby Publishers, St. Louis, MI pp. 197-202.

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Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	3,983,865	Oct. 1976	Shepard	128	2.1M	
	AB	4,023,574	May 1977	Nemec	128	420	
	AC	3,941,136	Mar. 1976	Bucalo	128	422	
	AD	4,222,377	Sep. 1980	Burton	128	1 R	
	AE	4,571,749	Feb. 1986	Fischell	623	14	
	AF	4,731,083	Mar. 1988	Fischell	623	14	
	AG	3,628,538	Dec. 1971	Vincent, et al.	128	422	
	AH	6,135,945	Oct. 2000	Sultan	600	30	
	AI	5,562,717	Aug. 1996	Tippey, et al.	607	41	
	AJ	4,785,828	Nov. 1988	Maurer	128	788	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AK						

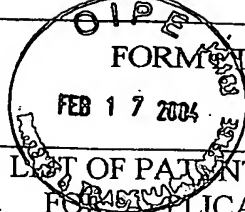
## OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

	AL	Caraballo, et al., "Sacral Nerve Stimulation as a Treatment for urge Incontinence and Associated Pelvic Floor Disorders at a Pelvic Floor Center: A Follow-Up Study", Urology, 57(6 Suppl 1), p. 121, June 2001.
	AM	U.S. Patent Application No.: 09/413,272, entitled: "Incontinence Treatment Device", filed October 6, 1999.

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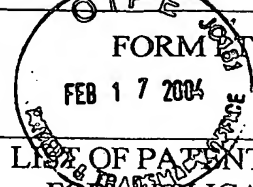
Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	4,153,059	May 1979	Fravel, et al.	128	422	
	AB	4,106,511	Aug. 1978	Erlandsson	128	407	
	AC	3,866,613	Feb. 1975	Kenny, et al.	128	408	
	AD	4,406,288	Sep. 1983	Horwinski, et al.	128	422	
	AE	4,580,578	Apr. 1986	Barson	128	784	
	AF	4,607,639	Aug. 1986	Tanagho, et al.	128	419E	
	AG	4,739,764	Apr. 1988	Lue, et al.	128	419R	
	AH	6,240,315	May 2001	Mo, et al.	607	41	
	AI	5,484,445	Jan. 1996	Knuth	606	129	
	AJ	5,927,282	Jul. 1999	Lenker, et al.	128	885	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AK						

## OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

	AL	Medtronic®'s InterStim Therapy for Urinary Control-Patient Stories", 1997, NEDTRONIC INC., Spring Lake Park, MN, 2 pages. ( <a href="http://webprod1.medtronic.com/neuro/interstim/4Bsize.html">http://webprod1.medtronic.com/neuro/interstim/4Bsize.html</a> ).
	AM	Summary of Safety and Effectiveness of Medtronic® Interstim® Sacral Nerve Stimulation (SNS)™ System, Sep. 1997, MEDTRONIC INC., Spring Lake Park, MN, 2 pages.
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Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	6,131,575	Oct. 2000	Lenker, et al.	128	885	
	AB	6,002,964	Dec. 1999	Feler, et al.	607	46	
	AC	5,807,397	Sep. 1998	Barreras	607	61	
	AD	3,640,284	Feb. 1972	De Langis	128	422	
	AE	6,585,660	07/2003	Dorando et al			
	AF	6,572,543	06/2003	Christopherson et al			
	AG	5,207,103	05/1993	Wise et al			
	AH	5,113,868	05/1992	Wise et al			
	AI						
	AJ						

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		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AK						

## OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AL	Medtronic®'s InterStim Therapy for Urinary... for People with Bladder Control Problem", 1997, MEDTRONIC INC., Spring Lake Park, MN, 2 pages. ( <a href="http://webprod1.medtronic.com/neuro/interstim/1types.html">http://webprod1.medtronic.com/neuro/interstim/1types.html</a> ).
AM	
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